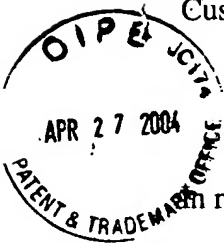


Docket No. 87321.1500
Customer No. 30734

PATENT



IN THE UNITED STATE PATENT AND TRADEMARK OFFICE

#7
Wish
5-6-04

In re Application of:

Angelo S. Arcaria

Application No.: 10/020,967 ✓

Filed: December 19, 2001

For: PROGRAMMABLE ELECTRONIC CIRCUIT

)
) Confirmation No. 1747

)
) Group Art Unit: 2636

)
) Examiner: Daniel Previl

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Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION

Sir:

OK to enter DP 5-13-04

This is in response to the Advisory Action Office Action dated April 20, 2004. Applicant had respectfully requested, in the response to the January 15, 2004 Office Action, that the finality of the final Office Action be removed. Applicant stated in the response that the Examiner had cited a new reference, United States Patent No. 5,894,262 to McCavit *et al.*, that was not necessitated by any amendment made by the Applicant. In fact, the Applicant did not make any amendments to the as-filed claims in response to the first initial office action.

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The Advisory Action only states that the amendments to the claims, submitted in the response to the January 15, 2004 Office Action, would constitute a new search and therefore would not be entered. The Advisory Action does not indicate the request for recategorizing the January 15, 2004 as non-final.

Under the present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by

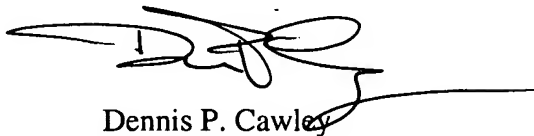
applicant's amendment of the claims nor based upon information submitted in an information disclosure stated. *See*, MPEP 707.07(a). Applicant asserts that the McCavit reference was not necessitated by any amendment, as none were submitted, and was not the result of an information disclosure statement.

In light of the above remarks, Applicant respectfully requests that the finality of the January 15, 2004 Office Action be removed and the amendments submitted in response to the January 15, 2004 Office Action be entered. If, for any reason, the Examiner disagrees, please call the undersigned attorney at 202-861-1703 in an effort to resolve any matter still outstanding before issuing another action. The undersigned attorney is confident that any issue, which might remain, can readily be worked out by telephone.

In the event this paper is not timely filed, Applicant petitions for an appropriate extension of time. Please charge any fee deficiencies or credit any overpayments to Deposit Account No. 50-2036 referencing attorney docket number 87321.1500.

Respectfully submitted,

BAKER & HOSTETLER LLP



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